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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/48/628)]

48/102. Prevention of the smuggling of aliens

The General Assembly,

Concerned that the activities of criminal organizations that profit illicitly by smuggling human beings and preying on the dignity and lives of migrants contribute to the complexity of the phenomenon of increasing international migration,

Recognizing that international criminal groups often convince individuals to migrate illegally by various means for enormous profits and use the proceeds from smuggling human beings to finance other criminal activities, thus bringing great harm to the States concerned,

Aware that such activities endanger the lives of those individuals and impose severe costs on the international community, particularly upon certain States that have been called upon to rescue and to provide medical care, food, housing and transportation for those individuals,

Recognizing that socio-economic factors influence the problem of the smuggling of aliens and also contribute to the complexity of current international migration,

Noting that smugglers, particularly in the State of destination of the smuggling of aliens, often force migrants into forms of debt, bondage or servitude, often involving criminal activities, in order to pay for their passage,

Convinced of the need to provide humane treatment and protect the full human rights of migrants,

Recognizing that this illegal smuggling activity has high social and economic costs, contributes to corruption and burdens law enforcement agencies in all States where illegal aliens transit or are found,

Recalling relevant international agreements and conventions, including the International Convention for the Safety of Life at Sea, 1960, 1/ the International Convention for the Safety of Life at Sea, 1974, 2/ and the Protocol relating thereto of 1978, 3/ by which specific safety standards are established for certain passenger ships, each State party is required to take the necessary steps to ensure that no vessel covered by the Conventions and flying its flag is permitted to carry passengers on international voyages unless it meets the standards established by the Conventions, and each port State party is required to prevent a foreign flag passenger vessel from sailing from its port when the condition of the ship or of its equipment is not in compliance with the Conventions,

Recalling also the undertaking of States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, doneat Geneva on 7 September 1956, 4/ to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the practice of debt bondage,

Reaffirming that the sovereignty and territorial integrity of all States must be respected, including their right to control their own borders,

Concerned that the smuggling of aliens undermines public confidence in policies and procedures for immigration and for the protection of refugees,

Noting that the smuggling of aliens can involve criminal elements in many States, including the State or States where the smuggling scheme was planned, the State of nationality of the aliens, the State where the means of transport was prepared, the flag State of any vessels or aircraft that transport the aliens, States through which the aliens transit to their destination or in order to be repatriated and the State of destination,

Taking into account the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Civil Aviation Organization and the International Maritime Organization in responding to requests from States for assistance in dealing with the smuggling of aliens,

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1/ United Nations, Treaty Series, vol. 536, No. 7794.

2/ Ibid., vols. 1184 and 1185, No. 18961.

3/ Ibid., vol. 1226, No. 18961. Protocol relating to the International Convention of 1 November 1974 for the Safety of Life at Sea (with annex, appendix and Final Act of the International Conference on Tanker Safety and Pollution Prevention, 1978). Concluded at London on 17 February 1978.

4/ Ibid., vol. 266, No. 3822.

Emphasizing the need for States to cooperate urgently at the bilateral and multilateral levels, as appropriate, to thwart these activities,

1. Condemns the practice of smuggling aliens in violation of international and national law and without regard for the safety, well-being and human rights of the migrants;

2. Commends those States that have cooperated to combat the smuggling of aliens and to address specific incidents where smuggled aliens have needed to be processed in accordance with international standards and the domestic laws and procedures of the State concerned and returned safely to appropriate destinations;

3. Urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens and thus to protect would-be migrants from exploitation and loss of life, inter alia, by amending criminal laws, if necessary, to encompass the smuggling of aliens and by establishing or improving procedures to permit the ready discovery of false travel documents supplied by smugglers;

4. Requests that States cooperate in order to prevent the illegal transport by smugglers of third country nationals through their territory;

5. Also requests States that have not done so to make special efforts to prevent their airports, means of ground transportation and air carriers from being used by smugglers of aliens;

6. Requests States to cooperate in the interest of safety of life at sea, to increase their efforts to prevent thesmuggling of aliens on ships and to ensure that prompt and effective action is taken against the smuggling of aliens by ship;

7. Calls upon Member States and relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of the smuggling of aliens;

8. Reaffirms the importance of existing international conventions in preventing the economic exploitation and loss of life that can result from smuggling aliens, and calls upon all States to exchange information and to consider ratifying or acceding to them where they have not done so and to implement fully and enforce such conventions;

9. Emphasizes that international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international law to refugees;

10. Reaffirms the need to observe fully international and national law in dealing with the smuggling of aliens, including the provision of humane treatment and strict observance of all the human rights of migrants;

11. Requests the relevant specialized agencies and intergovernmental organizations, in particular the International Organization for Migration, the International Maritime Organization, the International Criminal Police Organization and the International Civil Aviation Organization, to consider ways and means, within their respective spheres of competence, to enhance international cooperation to combat thesmuggling of aliens;

12. Requests the Commission on Crime Prevention and Criminal Justice to consider giving special attention to the question of thesmuggling of aliens at its third session, to be held in 1994, in order to encourage international cooperation to address this problem within the framework of its mandate;

13. Requests the Secretary-General to transmit the text of the present resolution to all Member States and to relevant specialized agencies and intergovernmental organizations;

14. Invites Member States and relevant specialized agencies and intergovernmental organizations to report to the Secretary-General on the measures they have taken to combat the smuggling of aliens;

15. Requests the Secretary-General to report to the General Assembly on the measures taken by States, specialized agencies and intergovernmental organizations to combat the smuggling of aliens, and decides to consider this question at its forty-ninth session under the item entitled "Crime prevention and criminal justice".

85th plenary meeting
20 December 1993